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6 Attorneys for Defendant,  
7 RASH CURTIS & ASSOCIATES

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 BOSCO KANTE,

13 Plaintiff,

14 v.

15 RASH CURTIS & ASSOCIATES,

16 Defendants.  
17  
18  
19

Case No.: 3:16-cv-05807-EDL

**DECLARATION OF BOB KEITH IN  
SUPPORT OF DEFENDANT RASH CURTIS  
AND ASSOCIATES' NOTICE OF MOTION  
AND MOTION TO DISMISS PURSUANT TO  
RULE 12(b)(5)**

**DATE: DECEMBER 20, 2016  
TIME: 9:00 A.M.  
CRTRM: E – 15<sup>TH</sup> FLOOR**

**HON. MAG. JUDGE ELIZABETH D.  
LAPORTE**

20 I, Bob Keith, declare that:  
21

22 1. I am a competent adult over the age of 18. The matters set forth below are personally  
23 known to me and I make this declaration based on my own personal knowledge. If called upon to  
24 testify, I could and would competently testify to the following facts:

25 2. I am currently the Executive Vice President of Rash Curtis & Associates, the named  
26 Defendant in this action. Over the years I have held numerous positions at Rash Curtis including Legal  
27 Collector, Collection Manager, Vice President, and now Executive Vice President. Although I worked  
28 at Rash Curtis at various time prior to 2008, I returned to Rash Curtis in 2008 and have worked there

- 1 -

DECLARATION OF BOB KEITH IN SUPPORT OF DEFENDANT RASH CURTIS AND ASSOCIATES' NOTICE OF  
MOTION AND MOTION TO DISMISS PURSUANT TO RULE 12(b)(5)

1 continuously since that time. All told, I have over 26 years of experience in the receivables  
2 management industry. Based on my position with Rash Curtis, I am intimately familiar with the  
3 policies, practices and, procedures of Rash Curtis and I am familiar with the procedures for service of  
4 lawsuits.

5 3. When Rash Curtis is personally served with a lawsuit, the summons and complaint are sent  
6 to me immediately by an employee of Rash Curtis – generally, one of our paralegals. This case is no  
7 exception. On October 11, 2016, someone purported to serve Rash Curtis with process in this matter.  
8 However, the person attempting to affect service only served Rash Curtis with the summons. I have  
9 personally confirmed with my employees that no other documents were served upon Rash Curtis at  
10 that time. Attached hereto as **Exhibit A** is a true and correct copy of the summons Rash Curtis  
11 received from Plaintiff (or his process server).

12 4. Attached hereto as **Exhibit B** is an e-mail I received from Ben Larsen, an employee of Rash  
13 Curtis, confirming that Rash Curtis was only served with the summons. I received this e-mail in the  
14 normal course of business.

15 5. Rash Curtis has not waived service in this matter.  
16  
17

18 I declare under penalty of perjury under the laws of the State of California this 31 day of  
19 October, 2016, in Vacaville, California, that the foregoing is true and correct.

20   
21 \_\_\_\_\_  
22 Bob Keith  
23  
24  
25  
26  
27  
28

# Exhibit A

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Bosco Kante

Plaintiff(s)

v.

RASH CURTIS & ASSOCIATES

Defendant(s)

Civil Action No.

C16- 5807

EDL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RASH CURTIS & ASSOCIATES  
190 S. Orchard Avenue  
Suite A205  
Vacaville, CA 95688

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Bosco Kante  
465 Canyon Oaks Dr. Apt F  
Oakland, CA 94608  
Telephone: (323) 481-7372  
Email: bosco\_kante@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: OCT - 7 2016

CLERK OF COURT

*Carla Swanson*

Signature of Clerk or Deputy Clerk

# Exhibit B

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**From:** Ben Larsen

**Sent:** Tuesday, October 11, 2016 1:21 PM

**To:** Bob Keith <[bob.keith@rashcurtis.com](mailto:bob.keith@rashcurtis.com)>; Duane Oliveira <[duane@oliveiralaw.com](mailto:duane@oliveiralaw.com)>; Marie Geisser <[marie.geisser@rashcurtis.com](mailto:marie.geisser@rashcurtis.com)>

**Subject:** Summons Served

Hey Bob,

We were just served a summons at the front desk. No complaint was attached, the process server just served this sheet.

Thank you,

*Ben Larsen*

Ben Larsen  
Paralegal/Legal Service Rep



*Revenue Recovery Specialist*  
190 S. Orchard Avenue, Suite A-200  
Vacaville, CA 95688  
[ben.larsen@rashcurtis.com](mailto:ben.larsen@rashcurtis.com)  
Direct 707-454-2041 Ext 2028  
Fax 707-454-2059  
<http://www.rashcurtis.com>



Please consider the environment before printing this email.

"THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION GIVEN WILL BE USED FOR THAT PURPOSE"

**NOTICE TO RECIPIENT:** If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. Thank you



**CERTIFICATE OF SERVICE**

I, Roxy A. Chipak, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On November 1, 2016, I served the following document(s) on the parties in the within action:

**DECLARATION OF BOB KEITH IN SUPPORT OF DEFENDANT RASH CURTIS AND ASSOCIATES' NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO RULE 12(b)(5)**

**X**

**BY MAIL:** I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:

Bosco Kante  
465 Canyon Oaks Drive, Apt. F  
Oakland, CA 94605

Plaintiff in Pro Per

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on November 1, 2016.

By: 

Roxy A. Chipak